Rec 1950) sept

Misc. (Series)

Geo. No 1807.
1807
Dy 22. 6-50.

Land - (S. Kanara) - Mangalore Taluk - Jeppina
Moger - Village - Adam Kudru - account of
the river - disposal - wards proposal - orders
passed.

REVENUE DEPARTMENT.
Subject.

3642A

ENCROACHMENT - Land (South Kanara) - Mangalore taluk - Jeppinamogr village - Adamkudru - accretion in the river - Proposals for dispo

Ref.B. 8221/49-4. Station: Madras. Dated 6th May 1950.

From:

Sri A.F. Mascaranhas, I.A.S.,
Secretary, Board of Revenue.
:::
Sri W.R.S. Sattianathan, I.C.S.,
Commissioner of Land Revenue.
:::

Read: i. Govt. Memo (Rev.Dept) No. 1591 F/47-1 dated 21.3.1947.
ii. S. Kanara Collector's Ref. 11472/48-B5 dated 18-7-1949.
iii. Board's Ref.B. 8221/49-2 dated 22.10.1949.
iv. S. Kanara Collector's Ref.11472/48-B5 dated 7.1.1950. and enclosure.
v. Board's Ref.B. 8221/49-3 dated 9.2.1950.
vi. S. Kanara Collector's Ref. B3863/50-B5 dated 13.3.1950.

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REFERENCE:

Submitted to Government.

2. The Board submits that the lands in question are 'Padugai' lands and cannot be assigned. They can only be leased under B.S.O. 15.35 (xii). As the encroachers have spent considerable labour and money on reclaiming the land, the Collector proposes that they may be leased to the encroachers for a period of three years on payment of a rental which will be worked out on the basis of the market value of the several plots. The Executive Engineer has no objection to temporary lease, provided the existing long projecting groynes which have been put up by the encroachers are removed and revetments built at the margin all round. Both the Railway and port authorities have no objection to temporary lease.

3. The Board recommends that the land may be leased to the encroachers on an annual basis under B.S.O. 15A subject to the usual conditions and the special conditions referred to by the Executive Engineer and that the Collector may be asked to fix the rental due on the various plots, on the basis of their market value with the approval of the Board. An annual lease is proposed, in view of the existence of a proposal to build a Harbour either at Mangalore or at Malpe in South Kanara District.

for Secretary.

To
The Secretary to Government,
Revenue Department, Madras. (with a sketch)

st:8.5.

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Copy of letter No. Ref. 11472-48-B5 dated 18-7-49 from the Collect of South Kanara to the Secretary to Government, Revenue Department Madras through the Board of Revenue, Chepauk, Madras.

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ENCORACHMENT - Land - South Kanara - Mangalore Taluk - Jeppinamogr village - Adamkudru accretion in the river - proposals for disposa instructions solicited.

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Ref: S. Kanara Collector's Ref.4271/47/B5 dated 14.6.47 in reply t Govt. Memo No. 1591-F/47-1 Revenue department dated 21.3.1947

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I invite attention to this office report cited above in which it was stated that action would be taken in respect of all the encroachments concerned on the river accretion known as "Adam Kud-

in Jappinamogru village in Mangalore Taluk to dispose of the lands finally, after obtaining the orders of the Government.

2. The lands in question have been since resurveyed and all the missing survey stones replanted. The total extent of the river accretion is 13.82 acres of which an extent of 0.72 acres was granted under the Grow More Food rules, the period of which expired on 30-6-47, 7.05 acres were brought under village accounts 2 and 7 and an extent of about 6.05 acres was encroached upon by one Sri Umanath Bhandary. The occupations in all the cases are reported to be after 7-12-1938 and are therefore objectionable according to rules.

3. The point for consideration, however, is whether it would be expedient to get the encroachment removed, just because they came into existance subsequent to 7-12-1938 fixed by the Board of Revenue. The Tahsildar, Mangalore after personal inspection had already reported that there was no objection to the existance of the encroachments, in case it was decided to assign the land to the encroachers on collection of site value.

4. Apparently, there seems to be no objection to assign the lands to the encroachers after collecting the site value from them or by selling the land by public auction, because, by disposing of the lands, the Government are likely to get a good amount.

5. Both the Railway and Port authorities have been consulted to find out whether they have any objection for the lands being temporarily granted to the encroachers, in view of their existing ban on permanent assignments. The Port Officer, Mangalore said that he had no objection for the temporary assignment of the plots but that he may be consulted to the permanent assignment while the Railway authorities had no objection for the temporary or even permanent assignment of lands.

6. The lands in this case are registered as poramboke river and as such, they are specially valuable lands and can be disposed of either by public auction or by private sale. In principle, such lands should not be assigned to rich men, but a rich man had already improved upon the land, spending large sums of money. The then Collector, Mr. N. C. Thomas, was not in favour of public or even private sale, but wanted to examine the possibility of utilising the lands for a colonization scheme, viz., Harijan Labour Co-operative Societies, or Extappers (re-habilitation) Co-operative Societies. Accordingly it was suggested that the Dy. Registrar of Co-operative societies, the Special Development Officer, the District Harijan Welfare Officer, the Tahsildar and the Revenue Divisional Officer, Mangalore, should make a joint inspection of the plots to find out the suitability of the land for any of the above purposes.

7. They have since inspected the lands jointly and are of the opinion that the lands are not suitable for the purposes, especially in view of the fact that the encroachments do not form a contiguous block and are subject to inundation during floods in the monsoon season unless they are protected by means of bunds put up on the outter edges to prevent flood water, They had also held that the encroacher who owns the main island there can alone protect these plots and bring them under cultivation as this would require considerable labour and expenditure.

8. In these circumstances, I am constrained to accept and hold the view that the lands concerned have to be disposed of under B.S.O. 15-22 by private sale to the encroacher on collection of site value at Rs 1500, per acre as proposed by the Tahsildar and recommended by the Revenue Divisional Officer. But considering the proposed Harbour Scheme in Mangalore and also other developments, I am of opinion that there is no need for expediting the permanent assignment of these plots now, and that they may be allowed to be in the occupation of the encroacher on temporary lease.

9. I however solicit instructions in the matter. A sketch showing the encroachment together with all the connected records of enquiry this office file D.Dis. No. 4271/47 and Mangalore Tahsildar's D.Dis. G.M.F. 85/1356 are enclosed for reference and return.

Copy of Board's Ref. 8221/49-2 dated 22nd October 1949 addressed to the Collector of South Kanara.

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ENCROACHMENT - Land - (South Kanara) - Mangalore taluk - Jappinamogru village - Adamkudru accretion in the river - Disposal proposals -

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Read: South Kanara Collector's Ref. 11472/48 B5 dated 18-7-49.

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The attention of the Collector is invited to his letter cited. In para 2 of the letter, he has stated that the occupations in all th cases are reported that after 7.12.1938 and are therefore objectionab according to rules. He has also stated that the date viz 7-12-1938 was fixed by the Board. The Collector is requested to quote the number and date of the Board's reference in which the date was fixed. He is also requested to state what the rules referred to by him are and to quote the number and date of the Board's or Government's reference in which they were laid down.

2. In para 8 of his letter, the Collector has stated that the lan concerned have to be disposed of under B.S.O. 22) by private sale to the encroachers on collection of site value at Rs 1500/- per acre. B.S.O. 22 deals with the disposal of land and buildings occupied by a Government department. The Collector is requested to quote the correct B.S.O. under which the lands have to be disposed of.

3. In the concluding portion in para 8 of the letter the Collector has expressed the opinion that, in view of the proposed Harbour Scheme in Mangalore and other developments, there is no need for expediting the permanent assignment of these plots now but that they may be allowed to be in the occupation of the encoracher on temporary lease. The Collector is requested to submit proposals indicating

i. the period for which the lease may be granted.
ii. the rental that may be leased and collected
iii. the special conditions, if any, the port and railway authorities could like to impose.

Copy of letter No. Ref. 11472/48-B5 dated 7.1.1950 from the Collector of South Kanara, to the Board of Revenue, Madras.

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ENCROACHMENT - South Kanara - Mangalore taluk - Jeppinamogaru village Admakudru - accretion in the river - disposal - proposals - further report - submitted.

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Ref: 1. This office Ref.11472/48/B5 dated 18.7.49
2. Board's Ref.B. 8221/49-2 dated 22.10.1949.

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The order prescribing the date as 7.12.1938 referred to in para 2 of this office letter cited first above, was issued in B.P. Routine No. 4652 dated 13.10.1939 a copy of which is enclosed for ready reference.

2. B.S.O. 22 noted in para 8 of this office letter is a mistake for B.S.O. 15-22 The Correct number of the B.S.O. is 15-22.

3. With regard to the points referred to in para 3 of the Board's reference, I submit that

i) the period of lease may be restricted to 3 years at a time.

ii) the rental may have to be worked out with reference to the market value of each plot. To work out this now, the connected records are necessary which are now pending with the Board of Revenue This will therefore be worked out while granting the lease, if final orders are received sanctioning such temporary lease and

iii) the Port Officer, Mangalore and the Railway authorities have been consulted and their replies are at page 49 and 57 of the connected records of enquiry which are now pending with the Board. The Port Officer reported that he had no objection for the temporary grant of the plot and that he might be consulted prior to the issue of such grants while the railway authorities had expressed no objection for temporary or even permanent grants.

4. In this connection, I would venture to point out that the disposal of these lands may be finally decided after a final decision is arrived at in regard to the proposed Harbour scheme either at Mangalore or Malpe in South Kanara. If it is decided against Mangalore, the final disposal of these plots may be considered and decided once for all.

Copy of Board's B.P.Routine No. 4652 dated 13.10.1939.

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ENCROACHMENTS - Land - Unobjectionable encroachments - treatment with reference to the ban on assignments - Orders - passed - G.O. communicated.

Read the following:

From the Government, Revenue Department G.O.No. Mis. 2568 dated 3.10.1939.

Encroachments - Land - unobjectionable encroachments - treatment with reference to the ban on assignments - orders passed.

Read the following:

Again Memo No. 3530 F/37-12 dated 7.12.1938.
From the Board of Revenue Ref.B.No. 1214/39-2 dated 13.9.1939.

ORDER:

Unobjectionable encroachments on lands, whether assessed, unassessed or poramboke, of an extent of five acres and above, and of smaller extents which form part of large compact blocks, should be dealt with as follows:

a) encroachments made on or before 7.12.1938 should be allowed to continue, the encroachers being warned that their occupation of the land will not confer on them any preferential claim to have the land assigned to them and that the land will be liable to be disposed of by the Government at any time according to their pleasure without payment of any compensation whatsoever;

b) encroachments made subsequent to 7.12.1938 - should be penalised and evicted.

2. The Board of Revenue is requested to issue instructions accordingly,

/ By order of his excellency the Governor/
Sd. B.G. Holdsworth,
Secretary to Government.

RESOLUTIC

Communicated to the Collectors of all districts.

2. The Collectors are requested to issue instructions accordingly.

Signed R.C. Ratho
Asst. Secretary.

D.Dis. 7174-39

Copy communicated to Revenue Divisional Officers, Tahsildars and Deputy Tahsildars.

2. Encroachments made on or before 7.12.1938 mentioned in

(१२१)

Memo No. 1591 F/47--1 Rev. dated 21--3--1947.

Encroachment - Land - (South Kanara) - Mangalore Taluk Joppinamogar - Adamkudru - Accretion in the river. report.

....

It is reported that near Adumankudru (Joppinamogar), Mangalore Taluk, South Kanara Dt., near about Ullal Railway bridge and close to the property of one Sri Ummantha Bhandari, a large extent of accretion has been formed in the river and that it is being encroached upon by the adjacent land owners. It is also reported that this extent, if auctioned, will fetch very good revenue to the Government. The Collector of S. Kanara is requested to have this extent of accretion measured and submit a report to the Government as to the extent, possession etc., He is also requested to state why no action in the matter has been taken by the local subordinate officials concerned.

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Copy of South Kanara Collector's letter No. 4271--47 dated 14--6--47 in reply to Government memo dated 21--3 --47.

....

Some of these encroachments have already been brought to account Nos. 2 and 7 and some have been temporarily assigned under the G.M.F. scheme, while a few others remain to be dealt with. It is not possible, just at present either to arrive at the correct extent of these accretions or the encroachments as most of the survey stones in the locality are found missing and a regular resurvey is necessary to fix them up. After resurveying the lands and renewing the survey stones, action will be taken in respect of all the encroachments concerned to dispose of the lands finally, after obtaining the orders of the Government in view of the ban on assignment of non-kumiki lands. I have directed the Revenue Divisional Officer, Mangalore, to keep the current in his office open until the matter is finally disposed of.

Copy of Board's L.Dis. B. 2052/47 dated 8--7--47.

Submitted to the Government with reference to their memo cited above.

2. The Collector is taking action to measure the accretions and to bring to account the encroachments.

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Read again:-Govt. memo no. 1591-F/4 dated 21.3.47.

Read: From the Board of Rev. Ref 8221/49.4 d. 8.5.1950.

G.O. Misc. no. 1807 Rev. 8.1

In the circumstances reported by Board of Rev. in its ref:e read above, the Govt accept its recommendation para 3 ~~thereof are~~ thereof and accordingly direct that the lands comprised in the river accretion known as "Adam Kudru" in the Jappinamogar village, Mangalore Taluk, South Kanara Dt., be leased to the encroachers on an annual basis under B.S.O 15-A, subject to the usual conditions and the special conditions ~~that may to be~~ imposed by the P.W. Dept. The rental for the several plots should be fixed by the Collector of South Kanara, on the basis of their market value with the approval of the Board

1 c/f may be accepted.

2. Subject to orders, the draft on page 1 ante is submitted approval. It may be sent W. and Fin for acceptance.

7.6.50 — 8/6/50 — 11.6.50

ADDITIONAL DEPUTY SECRETARY
19 JUN 1950
FINANCE DEPARTMENT
43878 Ad

P. W

Fin

P.W.D (S.I) Rev. no 30420-A.ST 11-6-50

draft order overleaf may be accepted and the file passed on to Fin

PKN 14/6/50 — Asst 14.6.50 — 15.6.50 Fin.

ASSISTANT SECRETARY
SI
12 JUN 1950
2350
PUBLIC WORKS DEPARTMENT IV

P.W.D no 2350-SI/1.

Fin (Accts)

The draft order on p 1 ante may be

15.1.6/50
6387 & Accts I

fted

Fin 19.6.50 Rev

ADDITIONAL ASST. SECY
20 JUN 1950
44122 A
REVENUE DEPARTMENT

Rev Dept

SO 19/6/50

The draft order overleaf

20.6.50

may issue.

21/6

20/6/50